

DISTRICT COURT FOR THE UNITED STATES

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 10 Cr- 02653-001JB

DERRICK I JIM,

Defendant.

MOTION IN LIMINE TO EXCLUDE DEFENDANT'S PRIOR CRIMINAL HISTORY

COME NOW Defendant Derrick Jim, by and through his Attorney Lawrence E. Chacon FILES THIS MOTION and the Government, by and through its Attorneys Mark Baker and Jack Burkhead are ASSUMED TO OPPOSE THIS MOTION.

Defendant moves this Court for an order to exclude HIS prior CRIMINAL HISTORY.

1. 404-b provides in part that evidence of other crimes, wrongs or act is not admissible to prove the character of a person in order to show actions in conformity.
2. Defendant's Criminal history has been disclosed in the government's discovery, in the Pre Sentence report and in the Government's Response to Defendant's Motion in Limine to Suppress prior Plea Statements and PSR Statements.
6. Rule 404 b would apply to this situation because to have his two

prior DWI convictions enter the United State's Case would be prejudicial and would result in an unfair Trial. The prior convictions ,one counseled one un counseled would be confusing to the Jury and would not be probative to the case before us.

WHEREFORE, Defendant Derrick Jim requests that this Court enter an Order In Limine excluding his two prior DWI convictions.

Respectfully submitted,

Electronically filed 12/29/11

---

Lawrence E. Chacon  
Attorney for Defendant, Derrick I  
Jim  
826 5<sup>th</sup> St., NW  
Albuquerque, NM 87102  
(505) 843-9495 Fax (505) 243-0098

OPPOSED

---

AUSA Mark Baker/Jack Burkhead  
P. O. Box 607  
Albuquerque, NM 87103  
(505) 348-7274

I hereby certify that a true copy of the foregoing was E Filed with copy to the U.S. Attorneys Mark Baker/Jack Burkhead signed  
Lawrence E. Chacon